

# Notice of Allowability

Application No.

10/824,991

Examiner

Darren W. Ark

Applicant(s)

ALTMAN, JEREMY W.

Art Unit

3643

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/22/05 & Telephone Interview 9/26/05.
2. ☒ The allowed claim(s) is/are 1,3 and 5-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**DARREN W. ARK**  
**PRIMARY EXAMINER**



Continuation of Substance of Interview including description of the general nature of what was discussed: Examiner stated that in regard to claims 1,3,5, and 10, McWethy, Jr. 5,596,831 discloses a body (10, 16), a hook (22); at least one opening (12); at least one crimped sleeve (crimp connector 28) extending from body (16); at least one elongated arm (23) extending outwardly and backwardly (31); at least one spinning element (24, 29) swivelly connected to distal end of arm (31). Examiner also stated in regard to claims 1, 3,5-11, Davenport 1,645,644 discloses a body (1); a hook (10); at least one opening (17); at least one sleeve (18) extending from body (see Fig. 3); at least one elongated arm (14); a wire shank (20) with a spinning element (22; element not particularly claimed); a skirt (7), but does not disclose the sleeve crimped to secure the arm within the sleeve. Examiner stated that it would have been obvious to modify the sleeve of Davenport by crimping in view of McWethy, Jr. in order to assuredly secure the arm inside the sleeve. Examiner also stated that with regard to applicant's arguments concerning Taibi 5,974,723 and Boullt et al. 5,605,004, their respective sleeves (42 and 28) are securable to the at least one opening which are defined by eyes of hooks (20, 42) and that the Examiner would be inclined to maintain the 35 U.S.C. 103 rejections of paragraphs #19-24 of the Non-Final action mailed 2/23/2005. Examiner suggested amending claims 1 and 10 by incorporating limitations of claim 12 to overcome the prior art of record. Examiner also suggested amending claims 1 and 10 by changing the terms "securable" and "insertable" to "secured" and "inserted" respectively in order to more positively recite the structural relationship between the openings, sleeves, and arms. Applicant agreed with the proposed changes. See the Examiner's Amendment for details.

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John C. Cave on Monday, September 26, 2005.

The application has been amended as follows:

Claim 1. A fishing lure comprising:

a body;

a hook secured to said body;

first and second at least one openings extending into said body and being positioned on opposite sides of said body;

first and second at least one sleeves secured ~~securable~~ in said first and second at least one openings respectively wherein said ~~at least one sleeves~~ extends from said body; and

first and second at least one elongated arms inserted ~~insertable~~ and secured ~~securable~~ within said ~~at least one~~ first and second sleeves respectively and said elongated arms extending outwardly and backwardly from said body wherein said ~~at least one sleeves~~ are ~~is~~ crimped to secure said ~~at least one elongated arms~~ within said ~~at least one sleeves~~.

Art Unit: 3643

Claim 3. A fishing lure as recited in Claim 1 wherein said ~~at least one~~ elongated arms are ~~is~~ flexible.

Claim 5. A fishing lure as recited in Claim 3 further comprising at least one spinning element swivelly connected to a distal end of at least one of said ~~at least one~~ first and second elongated arms.

Claim 9. A fishing lure as recited in Claims 1 or 3, wherein said ~~at least one~~ elongated arms are ~~is~~ wire.

Claim 10. A fishing lure comprising:

a body;

a hook secured ~~securable~~ to said body;

first and second ~~at least one~~ openings extending into said body and being  
positioned on opposite sides of said body;

first and second sleeves secured ~~at least one sleeve~~ within said first and second  
~~at least one openings~~ respectively and said sleeves extending from said body;

first and second wire ~~at least one~~ arms secured ~~securable~~ within said first and  
second ~~at least one sleeves~~ respectively and said arms extending outwardly and  
backwardly from said body wherein said ~~at least one sleeves~~ are ~~is~~ crimped to secure  
said ~~at least one~~ wire arms.

Art Unit: 3643

Claim 11. A fishing lure as recited in Claim 10 wherein said ~~at least one wire~~ arms are is flexible cable wire.

Canceled claims 12-20.

2. The following is an examiner's statement of reasons for allowance:

In regard to claim 1, the prior art of record does not disclose first and second sleeves secured within the first and second openings respectively wherein the sleeves extend from the body; and first and second elongated arms inserted and secured within said first and second sleeves respectively wherein said sleeves are crimped to secure the elongated arms within the sleeves.

In regard to claim 10, the prior art of record does not disclose first and second sleeves secured within the first and second openings respectively and the sleeves extending from the body; first and second wire arms secured within the first and second sleeves respectively wherein the sleeves are crimped to secure the wire arms.

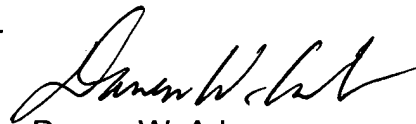
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darren W. Ark whose telephone number is (571) 272-6885. The examiner can normally be reached on M-Th, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Darren W. Ark  
Primary Examiner  
Art Unit 3643

DWA